

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**TEXAS et al.,**

**Plaintiffs,**

**v.**

**UNITED STATES OF AMERICA et al.,**

**Defendants.**

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**Civil Action No. 4:18-cv-00167-O**

**ORDER**

Before the Court is Movant Jeffrey Cutler’s Motion to Change Venue (“Motion”) (ECF No. 269), filed December 30, 2019. “The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back: ‘The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.’” *United States v. Lucero*, 755 F. App’x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit’s jurisdiction and eliminated this Court’s jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant’s Motion is **DENIED**.

**SO ORDERED** on this **2nd day of January, 2019**.

  
Reed O’Connor  
UNITED STATES DISTRICT JUDGE